

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X,  
GERALDINE MELNICK and LONNIE  
SCHWIMMER,

Plaintiffs,

**ORDER**  
CV 06-6686(JFB)ARL)

-against-

CARY PRESS,

Defendant.

-----X  
**Lindsay, Magistrate Judge:**

Before the court is the plaintiffs' letter application dated October 18, 2010, seeking to direct the defendant (1) to provide the listing agent with a key to the Ohio property and (2) to permit the listing agent to show the property upon twenty-four hours notice. The motion is granted, as unopposed.

On April 14, 2010, Judge Bianco ordered the sale of the defendant's 15 Ohio Avenue property. After numerous applications were filed concerning the defendant's delay in commencing the process to sell the property, Judge Bianco referred the issues regarding the parties' selection of the real estate broker to the undersigned. On August 30, 2010, the undersigned held a conference during which time the parties agreed to select a real estate broker, to list the property at \$850,000, to accept any offer over \$825,000, and to authorize broker's access to the property. The defendant further agreed to execute the listing agreement by September 3, 2010. By letter dated September 8, 2010, the plaintiffs advised the court that the defendant had not signed the listing agreement. As such, a further conference was scheduled for September 15, 2010. At that the September 15<sup>th</sup> conference, the defendant was directed to return the listing agreement to the plaintiffs by the following morning, which he did. However, according to the plaintiffs, the defendant has since interfered with the broker's appointments to show the house and is now refusing to allow her access back into the house. Accordingly, the court finds the relief requested by the plaintiffs to be appropriate.

Within seventy-two hours of receipt of this order, the defendant is directed to provide the listing agent with a key to the Ohio property. In addition, the listing agent must be permitted to show the property upon twenty-four hours notice to the defendant. Failure to comply with this order will result in the imposition of sanctions including a recommendation that the defendant be held in contempt.

Dated: Central Islip, New York  
October 25, 2010

**SO ORDERED:**

\_\_\_\_\_/s/\_\_\_\_\_  
ARLENE ROSARIO LINDSAY  
United States Magistrate Judge